

The Gazette



of

India

4-3-58

EXTRAORDINARY

PART II—Section 3—Sub-section (II)

PUBLISHED BY AUTHORITY

No. 13] NEW DELHI, THURSDAY, FEBRUARY 27, 1958/PHALGUNA 8, 1879

MINISTRY OF COMMERCE & INDUSTRY

ORDER

EXPORT TRADE CONTROL

New Delhi, the 27th February 1958

S.O. 155.—In exercise of the powers conferred by sections 3 and 4A of the Imports and Exports (Control) Act, 1947 (18 of 1947), as in force in India and as applied to the State of Pondicherry, the Central Government hereby makes the following further amendments in the Exports (Control) Order, 1954 published with the Order of the Government of India in the Ministry of Commerce and Industry No. Export (1), dated the 10th May, 1954, namely:—

In the said Order—

1. After clause 5, the following clauses shall be inserted, namely:—

“5-A. *Refusal of licence.*—The Central Government or the Chief Controller of Imports and Exports may refuse to grant a licence or direct any other licensing authority not to grant a licence:—

- (a) if the application for the licence does not conform to any provision of this Order;
- (b) if such application contains any false, or fraudulent or misleading statement;
- (c) if the applicant uses in support of the application any document which is false or fabricated or which has been tampered with;
- (d) if the applicant on any occasion has tampered with an export licence or has exported goods without a licence, where it is necessary, or has been a party to any corrupt or fraudulent practice in his commercial dealings;
- (e) if the application for an export licence is defective and does not conform to the prescribed rules;
- (f) if the applicant commits a breach of the Export Trade Control Regulations;
- (g) if the applicant is not eligible for a licence in accordance with the Export Trade Control Regulations;
- (h) if the licensing authority decides to canalize exports through special or specialized agencies or channels;
- (i) if the applicant is a partner in a partnership firm, or a director of a private limited company, which is for the time being subject to any action under clause 5-C;
- (j) if the applicant is a partnership firm or a private limited company, any partner or director whereof, as the case may be, is for the time being subject to any action under clause 5-C.

5-B. *Amendment of licence.*—The licensing authority may, of its own motion or on application by the licensee, amend any licence granted under this Order in such manner as may be necessary to make such licence conform to the provisions of the Act or this Order or any other law for the time being in force or to rectify any errors or omissions in the licence:

Provided that the licensing authority may, on request by the licensee, amend the licence in any manner consonant with the Export Trade Control Regulations:

Provided further that no action shall be taken under this clause unless the licensee has been given a reasonable opportunity of being heard.

5-C. *Power to suspend issue of licences or to debar a licensee from receiving licences.*—The Central Government or the Chief Controller of Imports and Exports may suspend the issue of licences to a licensee/exporter or direct, without prejudice to any other action which may be taken in this behalf, that no licence shall be granted to him for a specified period under this Order:—

- (a) if the application for such licence is at any time found to be not in conformity with any provision of this Order;
- (b) if such application is found to contain any false, fraudulent or misleading statement;
- (c) if the licensee/exporter is found to have used in support of the application any document which is false or fabricated or which has been tampered with;
- (d) if the licensee/exporter has on any occasion tampered with an export licence or has exported goods without a licence, where it is necessary, or has been a party to any corrupt or fraudulent practice in his commercial dealings;
- (e) if the licensee/exporter fails to comply with or contravenes any conditions embodied in, or accompanying, a licence or an application for a licence;
- (f) if the licensing authority proposes to take action against the licensee for a breach of any of the conditions of the licence or of any law, rules or regulations relating to customs or the import and export of goods or of any law relating to the regulation of foreign exchange:

Provided that no action shall be taken under this clause unless the licensee/exporter has been given a reasonable opportunity of being heard”;

2. In clause 6, after the words “Chief Controller of Imports and Exports”, wherever they occur, the following words shall be inserted, namely:—

“or any other officer authorised in this behalf”.

[No. Export (1)/AM(68).]

S. N. BILGRAMI, Joint Secy.